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BMS PATENT DEPT.

**Bristol-Myers Squibb Company**

Worldwide Medicines Group  
P.O. Box 4000 Princeton, NJ 08543-4000

NO. 3948 P. 1/11

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**FACSIMILE TRANSMITTAL COVER SHEET**

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**TO: USPTO**  
**FAX: 571-273-8300**  
**No. OF PAGES: 11(INCLUDING FAX TRANSMITTAL SHEET)**  
**FROM: Joyce Whitlow for Stephen C. D'Amico**  
**FAX #: (609) 252-4526**  
**PHONE #: (609) 252-5289**  
**RE: U.S. Appln. Serial No.: 10/817,607**  
**Attorney Docket No. : D0272 NP**

**Comments:**

**Please find attached:**

**Response to Restriction Requirement (2 pgs)**  
**Preliminary Amendment and ATCC Deposit (8 pgs)**

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CASE D0272 NP

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Stephen C. D'Amico  
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November 16, 2006  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1647

FRANCO ET AL.

Examiner: GAMETT, DANIEL C

APPLICATION NO: 10/817,607

FILED: APRIL 2, 2004

FOR: POLYNUCLEOTIDE ENCODING A NOVEL HUMAN P2X7

SPLICE VARIANT, HBMYP2X7v

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT  
WITHOUT TRAVERSE

Sir:

In reply to the Office Action dated October 17, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, without traverse, drawn to an isolated nucleotide sequence of SEQ ID NO:1, fragments and complements thereof, vectors and host cells comprising the same, and methods of making a polypeptide.

The Office Action further directs Applicants to elect a species. Applicants point out that the Examiner has not identified which claims are considered generic, nor the species from which Applicants should elect. However, in the sole interest of ensuring the instant election is responsive, Applicants hereby provisionally elect, without traverse, the polynucleotide of SEQ ID NO:1 encoding the polypeptide sequence provided as SEQ ID NO:2, and fragments and complements

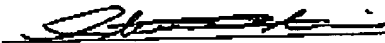
- 1 -

thereof, vectors and host cells comprising the same, and methods of making a polypeptide. New Claims 21 to 40 are readable thereof. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicant's response is timely and no extensions are necessary.

If any fee is due in connection herewith, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

Respectfully submitted,

Bristol-Myers Squibb Company  
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P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-5289  
Date: November 16, 2006

  
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